

LYNCH ICHIDA THOMPSON KIM &amp; HIROTA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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JAN 03 2006  
 at 10 o'clock and 15 min. M  
 SUE BEITIA, CLERK

Attorney for Plaintiff  
 WAYNE BERRY

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	) Civ. No. CV03 00385 SOM-LEK
	) (Copyright)
Plaintiff,	) <b>NOTICE OF MOTION;</b>
vs.	) <b>PLAINTIFF WAYNE BERRY'S</b>
HAWAIIAN EXPRESS SERVICE, INC., a California corporation; et al.	) <b>MOTION IN LIMINE TO</b>
	) <b>EXCLUDE EVIDENCE OF</b>
	) <b>DEDUCTIBLE EXPENSES AND</b>
	) <b>BARRING ANY TESTIMONY</b>
	) <b>FROM THE PCT'S EXPERTS;</b>
	) <b>DECLARATION OF TIMOTHY J.</b>
	) <b>HOGAN; EXHIBITS "A"-“E";</b>
	) <b>CERTIFICATE OF SERVICE</b>
Defendants.	)
	) Hearing:
	) DATE: January 20, 2006 <i>✓av</i>
	) TIME: 2:00 p.m.
	) JUDGE: Hon. Susan Oki Mollway
	)
	) Trial Date: January 24, 2006
	)

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**NOTICE OF HEARING**

TO: LEX R. SMITH, ESQ.  
ANNE E. LOPEZ, ESQ.  
Kobayashi Sugita & Goda  
First Hawaiian Center  
999 Bishop Street, Suite 2600  
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Fleming Companies, Inc.  
C&S Wholesale Grocers, Inc.,  
C&S Logistics of Hawaii, LLC,  
C&S Acquisitions, LLC, ES3, LLC  
and RICHARD COHEN

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ALIX PARTNERS, LLC

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Attorneys for Defendant  
ALIX PARTNERS, LLC

NOTICE IS HEREBY GIVEN that Plaintiff Motion in Limine to Exclude Evidence of Deductible Expenses and Barring Any Testimony from Fleming's Experts shall come on for hearing before the Honorable Susan Oki Mollway, United States District Judge of the above-entitled Court, in her courtroom in the United States District Court, 300 Ala Moana Boulevard, Honolulu, Hawaii 96813 on January 20, 2006 at 2:00 p.m., or as soon thereafter as counsel can be heard.

Dated: Honolulu, Hawaii,

JAN 3 2006

  
TIMOTHY J. HOGAN  
Attorney for Plaintiff  
WAYNE BERRY